

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
 v.) CAUSE NO.: 2:13-CR-128-JTM-JEM
)
OCTAVIO CASAS-GARCIA,)
 Defendant.)

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT OCTAVIO CASAS-GARCIA**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT

Upon Defendant Octavio Casas-Garcia's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge John E. Martin, on January 23, 2014, with the consent of Defendant Octavio Casas-Garcia, counsel for Defendant Octavio Casas-Garcia, and counsel for the United States of America.

The hearing on Defendant Octavio Casas-Garcia's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Octavio Casas-Garcia under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Octavio Casas-Garcia,

I FIND as follows:

(1) that Defendant Octavio Casas-Garcia understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Octavio Casas-Garcia understands his right to trial by jury, to persist in

his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Octavio Casas-Garcia understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Octavio Casas-Garcia understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Octavio Casas-Garcia has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Octavio Casas-Garcia is competent to plead guilty;

(6) that Defendant Octavio Casas-Garcia understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Octavio Casas-Garcia's plea; and further,

I RECOMMEND that the Court accept Octavio Casas-Garcia's plea of guilty to the offense charged in Count 1 of the Indictment and that Defendant Octavio Casas-Garcia be adjudged guilty of the offense charged in Count 1 of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Octavio Casas-Garcia be adjudged guilty, sentencing before Senior Judge James T. Moody will be set at a later date by separate order. Objections to the Findings and Recommendation are waived unless filed and served within fourteen (14) days. *See* 28 U.S.C. § 636(b)(1).

So ORDERED this 23rd day of January, 2014.

s/John E. Martin

MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable James T. Moody